

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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BILL DRAFT 2017-MLz-201 [v.4] (03/27)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: DOT/Project Delivery Method Pilot Project.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH
3 AND IMPLEMENT A PILOT PROJECT TO AWARD TRANSPORTATION PROJECT
4 CONTRACTS ON A CONSTRUCTION MANAGER-GENERAL CONTRACTOR
5 BASIS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
6 STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING
7 SOLUTIONS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Definition. – For purposes of this act, the term "construction
10 manager-general contractor" means a project delivery method that allows the use of a
11 construction manager during the design process to provide input on the design. During the
12 design phase, the construction manager provides advice, including constructability review,
13 scheduling, pricing, and phasing, to assist in designing a more efficient and well-designed
14 project. The construction manager may subsequently act as the general contractor and construct
15 the project if the department and the construction manager-general contractor reach agreement
16 on a guaranteed maximum price for construction.

17 **SECTION 2.** Pilot Project. – Notwithstanding any provision of Chapter 136 of the
18 General Statutes to the contrary, the Department of Transportation may establish and
19 implement a pilot project to award contracts for up to five projects for the construction of
20 transportation projects on a construction manager-general contractor basis. The Department
21 may only award a contract under this section if (i) the cost of the project is less than one
22 hundred million dollars (\$100,000,000), (ii) the Department determines that it is in the public
23 interest to use the construction manager-general contractor basis for the project, (iii) the
24 Department prequalifies the contractor that will be awarded the contract, (iv) the Department
25 complies with the pre-award reporting requirement set forth in Section 3 of this act, and (v) the
26 Department has established and implemented guidelines as required under Section 4 of this act.

27 **SECTION 3.** Report. – Prior to the award of a contract under the authority set
28 forth in Section 2 of this act, the Department shall submit a pre-award report to the Joint
29 Legislative Transportation Oversight Committee on the nature and scope of the project and the
30 reasons using the construction manager-general contractor basis will best serve the public
31 interest. Upon completion of a project awarded under Section 2 of this act, the Department
32 shall submit a post-completion report to the Joint Legislative Transportation Oversight
33 Committee detailing the results of the project, including any cost and time efficiencies achieved
34 as a result of using the construction manager-general contractor basis.



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1 **SECTION 4.** Guidelines. – The Department shall develop and implement
2 guidelines for the awarding of contracts under Section 2 of this act.

3 **SECTION 5.** Effective Date. – This act is effective when it becomes law. This act
4 expires upon submission of the post-completion report required under Section 3 of this act for
5 the final project completed under the authority set forth in Section 2 of this act.